

Message Text

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64

ACTION EUR-25

INFO OCT-01 IO-14 ISO-00 CIAE-00 PM-07 INR-10 L-03 NEA-10

NSAE-00 PA-04 RSC-01 PRS-01 SPC-03 USIA-15 TRSE-00

SAJ-01 DODE-00 H-03 NSC-07 SS-20 CU-04 OIC-04 STR-08

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INFO AMEMBASSY MOSCOW

LIMITED OFFICIAL USE GENEVA 1954

EO 11652: N/A

TAGS: PFOR

SUBJ: CSCE: COMMERCIAL EXCHANGES

SUBCOMMITTEE -- US PROPOSAL ON

ARBITRATION

1. US DEL DISCUSSED INFORMALLY WITH HUNGARIAN AND SOVIET
DELS US-SPONSORED RESOLUTION ON ARBITRATION OF COMMERCIAL
DISPUTES (TEXT GIVEN IN GENEVA 0285). RESOLUTION NOT
EXPECTED TO BE TAKEN UP BY SUBCOMMITTEE BEFORE EASTER
RECESS.

2. HUNGARIANS SAID THEY COULD NOT ACCEPT REFERENCE TO
RULES OF ICC PARIS, BUT COULD ACCEPT ECE RULES. SOVIETS
WANTED DELETION OF OPERATIVE SENTENCE REFERRING TO ICC
RULES AND TO THIRD COUNTRY ARBITRATION. US DEL MADE
OBVIOUS POINT THAT THIS WOULD STRIP RESOLUTION OF ANY
SIGNIFICANCE. SOV REP MEDVEDEV REPLIED THAT USSR HAS
22 TRADE AGREEMENTS WHICH CONTAINED ARBITRATION CLAUSES
AND ENDORSEMENT OF THIRD-COUNTRY ARBITRATION WOULD
NECESSITATE RENEGOTIATION OF THESE. SOV REP POJARSKY,
WHO WAS ACTING AS INTERPRETER, ASKED MEDVEDEV IF HE
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COULD ACCEPT POSITIVE RECOMMENDATION ON ARBITRATION
PROVISIONS IN COMMERCIAL CONTRACTS WITH ADDITON OF

PHRASE QUOTE INCLUDING ARBITRATION IN A THIRD COUNTRY
UNQUOTE. MEDEVEDEV SAID NO.

3. WE INFORMED NATO CAUCUS OF UNHELPFUL SOVIET ATTITUDE
AND SECURED CONFIRMATION THAT THEY WOULD CONTINUE TO
SUPPORT US. OTHER NATO COUNTRIES SAY THEY HAVE HEARD
NO COMPLAINTS FROM BUSINESSMEN OVER SOVIET ARBITRAL
COURTS BUT FEEL SOVIET INSISTENCE ON THIS POINT HAS
DISCOURAGING PSYCHOLOGICAL EFFECT AND TENDS TO PUT OFF
WESTERN FIRMS UNACCUSTOMED TO EASTERN TRADING PRACTICES.

4. WE PLAN TO RETURN TO SUBJECT INFORMALLY WITH SOVS,
CITING HELSINKI DOCUMENT WHICH SPEAKS OF MEASURES AIMED
AT IMPROVEMENT OF PROVISIONS FOR SETTLEMENT OF COMMER-
CIAL DISPUTES INCLUDING VARIOUS FORMS OF ARBITRATION.
WILL REMIND THEM ALSO OF SEEMINGLY FAVORABLE ATTITUDE OF
SOV DEL DURING DISCUSSION OF ARBITRATION IN NOV 1973.
WE WILL REMIND THEM ALSO OF SEEMINGLY FAVORABLE ATTITUDE OF
SOV DEL DURING DISCUSSION OF ARBITRATION IN NOV 1973.
WE WILL AVOID IMPLICATION THAT RESOLUTION IS OF DIRECT
PRACTICAL CONCERN TO US BUT STRESS ITS IMPORTANCE AS ONE
OF SUBJECT ON WHICH COMMITTEE II CAN SHOW TANGIBLE RESULT.

5. WOULD APPRECIATE ANY FURTHER DEPT SUGGESTIONS AS TO
POSSIBLE APPROACHES WHICH MIGHT BE TAKEN UP WITH SOV DEL.
ALSO, CAN KOVNER OF EUR/SOV RECALL WHETHER SOVS GAVE ANY INDICATIONS
AT HELSINKI AS TO KIND OF "IMPROVEMENTS" IN SETTLEMENT
OF DISPUTES THEY HAD IN MIND?
DALE

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